IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE HON''BLE MR JUSTICEM.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 465 of 2004

Between:

1. All Rice Mill, Durki Village, Birkur Mandal, Banswada,

Nizamabad Dist., rep by S.K.Ali Hussain,
S/o. Abdul Rehman, age : 49 years
2. Sri Sainath Irading Co., Arsapally, Nizamabad Dist. rep by Dattu,

D/o. Vittal Rao
3. Om Sri Venkateswara Rice Mill, Janakampet, Tedpalli Mandal,
Bodhan, Nizamabad Dist. rep by V. Surender, S/o. Balaiah,
age : 40 years
4. Manikyam Binny Rice Mill, Dariyapur, Navipet, Nizamabad Dt.,

rep by Manikyam, S/o. Somaiah
5. Sri Raghavendera Binny Rice Mill, Pegadapally, Bochan,

Nizamabad District.
rep by S. Srinivas Reddy, S/o. S. Pedda Chouda Reddy, age : 52 years
6. Sri Raghavendra Rice Mill, M.S.C. Farm, Bapunagar, Nizamabad Dist.
Yedpally Mandal, Rep by L. Satyanarayana, S/o. Mulabai,

age : 43 years
7. M/s. Indur Traders, Kurvapally, Nizamabad Dist. rep by Abdul Waheed,

S/o. Abdul Hamood

..... PETITIONERS

AND

1 The Govt. A.P. Food & Agrl.(Mrtg.) Dept., Secretariat,

Hyderabad. rep by its Secretary
2 The Director of Marketing, Govt. of A.P. Hyderabad.
3 The Agricultural Market Committee, Nizamabad Dist.

rep by its Secretary

4 The Agricultural Market Committee, Bodhan, Nizamabad Dist.

rep by its Secretary
5 The Agricultural Market Committee, Banswada, Nizamabad Dist.

rep by its Secretary

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ declare that the action of the respondents in notifying the Rice as Agricultural Produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce and Lives stock) Markets Act, 1966 is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay Market Fee on the Rice Milled from out of paddy, if necessary by granting a declaring that Rice is not an Agricultural Produce within the meaning of the A.P. Agricultural (Produce and Livestock) Markets Act, 1966 and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioners :MR.G.PRAMOD KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent Nos.3 to 5 : MR. NANDA RAMACHANDRA RAO

AND

WRIT PETITION NO : 4601 of 2004

Between:

1. Goli Rangaiah son of Chidamber representing
   Goli Vishwanatham Chidamber Grain Merchants & Rice Millers
   Nizamabad
2. Manohar son of Mallaiah rerpesenting
   Laxmi Venkateshwara Traders NIzamabad
3. Shathru sonof Harilal Jaju representing
   Laxmi Binny Rice Mill. Palda Nizamabad
4. Limbadri son of Kuchaiah representing
   Sri Laxmi Narsimha Traders Nizamabad
5. Shekhar son of Lakshmaiah Gupta representing
   Harish Traders, Mosra , Bodhan, Nizamabad
6. B.Lingam son of B.Shanker representing
   Jai Ganpathi Rice Mills, Nizamabad

..... PETITIONERS

AND

1 The Government of AP ' Food and Agrl. (Mktg) Department
Secretary , Hyderabad
2 The Director of Marketing, Govt of AP, Hyderabad
3 The Agricultural Market committee Nizamabad,
rep by Secretary Nizamabad
4 Secretary
The Argicultural Market Committee Bodhan , Nizamabad Dist

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring that action of the respondent in notifying the Rice as Agricultural produce for the purpose of levy of market fee under the provisions of the AP. Agricultural (Produce and Live stock) Market Act,. 1966 arbitrary and illegal, and direct the respondent to the insists the petitioner to pay market fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not a Agricultural Produce Within the meaning of the AP. Agricultural (Produce and Livestock) Market Act, 1966

Counsel for the Petitioners :Mr.G.PRAMOD KUMAR

Counsel for the Respondents 1 and 2: GP FOR AGRICULTURE

Counsel for the Respondents 3 and 4: Mr. NANDA RAMACHANDRA RAO

The Court made the following :

COMMON ORDER: (per Sri Justice T.Ch. Surya Rao)

In identical set of facts and circumstances, a batch of writ petitions have been disposed of, by a co-equal bench of this court in W.P.No.18970 of 2002 and batch. It was held therein as under:

> "In view of these judgments and in view of the other reasons given hereinabove, we have no doubt in our mind that both the processed and unprocessed agricultural produce can be agricultural produce within the meaning of Section 2(b) of the Act provided it is notified in terms of the Act for the purpose of the Act by the Government."

In view of the said judgment, the present writ petitions shall have to be disposed of on similar lines.

In the result, both the writ petitions are allowed.

In the circumstances, there shall be no order as to costs.

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M.H.S.ANSARI, J.

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T.CH. SURYA RAO, J

Dt: 09-03-2005.

RNS/AVS

To

1 The Secretary,

Govt. A.P. Food & Agrl.(Mrtg.) Dept., Secretariat,

Hyderabad.

2 The Director of Marketing, Govt. of A.P. Hyderabad.

3 The Secretary,

Agricultural Market Committee, Nizamabad Dist.

4 The Secretary,

Agricultural Market Committee, Bodhan, Nizamabad Dist.

5 The Secretary,

Agricultural Market Committee, Banswada, Nizamabad Dist.

6 Two CCs to G.P.for Agriculture, High Court of A.P.,

Hyderabad(OUT)

7 Two CD copies